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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

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11 PATRICK BROUSSARD,
12 Plaintiff,
13 vs.
14 CLARK COUNTY DEPARTMENT OF
AVIATION and LOCAL 1107 SEIU,
15 Defendants.

Case No. 2:10-CV-01284-PMP-RJJ

**MOTION TO QUASH SUBPOENA
(Doc. #32)**

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18 Comes now, Defendant Clark County Department of Aviation¹ (hereinafter “Defendant
19 CCDOA”), by and through its attorneys of record, and hereby moves this Court for an Order
20 quashing Plaintiff Patrick Broussard’s (hereinafter “Mr. Broussard” or “Plaintiff”) subpoena
21 pursuant to Rule 45(c)(3) of the Federal Rules of Civil Procedure.

22 On July 8, 2011, the Clerk of Court issued Plaintiff a “Subpoena To Testify at a Deposition
23 or to Produce Documents in a Civil Action” wherein Plaintiff requested that Defendant CCDOA
24 produce certain documents. (**Docket #32**). As this Court is aware, however, Mr. Broussard’s action
25 was dismissed with prejudice as to Defendant CCDOA on December 6, 2010. (**Docket #22**).
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28 ¹ The Clark County Department of Aviation, while a separate operating department of Clark County, is not a separate
legal entity for purposes of liability. As such, the concept of liability for the Department of Aviation as a separate entity
is a fiction, and the only appropriately named party Defendant in this action for purposes of liability would be the County
of Clark.

Mr. Broussard then filed a Petition for Writ of Mandamus with the Ninth Circuit (Case No. 11-70783), which petition was denied by the Ninth Circuit in an Order dated July 5, 2011. A true and correct copy of the Order of the United States Court of Appeals for the Ninth Circuit is attached hereto as **Exhibit 1**.

Because Plaintiff's action against Defendant CCDOA has been dismissed with prejudice, and the Ninth Circuit did not remand to this Court based on Mr. Broussard's denied Writ of Mandamus, there is no existing matter for which the Subpoena may properly be issued. Consequently, Defendant CCDOA respectfully requests this Court to quash Mr. Broussard's subpoena and instruct him not to seek to issue further subpoenas pertaining to this matter.

Dated: July 13, 2011

~~Respectfully submitted,~~

~~BRUCE C. YOUNG, ESQ.
KRISTINA N. ESCAMILLA, ESQ.
LITTLER MENDELSON~~

Atorneys for Defendant
CLARK COUNTY DEPARTMENT OF
AVIATION

SO ORDERED. SUBPOENA [32] IS HEREBY QUASHED.

U. MAGISTRATE JUDGE

DATE: JULY 21, 2011